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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,701	03/09/2001	David Greene	1991-00100	6900

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EXAMINER

KARMIS, STEFANOS

ART UNIT PAPER NUMBER

3624

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,701

Applicant(s)

GREENE ET AL.

Examiner

Stefano Karmis

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/22.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed on 22 April 2005.

Status of Claims

2. Claims 1, 7, 14 and 15 are currently amended. Claim 6 is currently cancelled. Therefore claims 1-5 and 7-18 are currently pending in this application.

Response to Arguments

3. Applicant's arguments filed 22 April 2005, with respect to the rejection of claims 1-5 have been fully considered but they are not persuasive. Therefore claims 1-5 remain rejected as stated in the previous office action mailed 23 December 2004.
4. Applicant's arguments, filed 22 April 2005, with respect to the rejection(s) of claim(s) 7-18 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as discussed below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Shaughnessy U.S. Patent 6,484,151.

Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Shaughnessy U.S. Patent 6,484,151 as stated in the previous office action, mailed 23 December 2004. Regarding independent claim 1, Applicant asserts that O'Shaughnessy fails to reach authorizing a real-time transfer of investment funds. However, O'Shaughnessy does teach that a buy order form which is executed in real time for a transaction (column 10, lines 39-47). The purchasing of the stocks in real time is in fact a real-time transfer of investment funds through reasonable interpretation. The claims do not specify which account the investment funds originate from or are transferred to. The Examiner would like to remind the Applicant that claims must be given their broadest reasonable interpretation and therefore the Examiner's position stands as previously stated.

Claim 3, the real-time transfer of funds is an automated is a credit card charge (column 9, lines 32-52).

Regarding claim 15, O'Shaughnessy discloses a trading system that comprises: at least one computer coupled to a network and configured to maintain a brokerage account database (column 4, lines 14-23); at least one computer coupled to the network and configured to use a plurality of web page templates to service web page requests received over the network (column 4, lines 14-23 and Figures 8), wherein the web page templates are configured to implement a real-time account opening process that establishes new brokerage accounts in a brokerage database (column 12, lines 12-20); at least one computer coupled to the network and configured to execute a principalling process on new brokerage accounts in the brokerage account database (column 12, lines 12-44).

Claim 16, principalling includes obtaining an account type selection; providing a list of new brokerage accounts having the selected account type; obtaining an individual status designation for each of the brokerage accounts listed, wherein said designation is indicative of acceptance or non-acceptance of the brokerage accounts; obtaining a password; and if the password is valid, updating records of the new brokerage accounts to reflect the individual status designations (column 12, lines 12-44 and column 9, lines 18-42).

Art Unit: 3624

Claim 17, the principalling process includes storing application information of accepted new brokerage accounts on archival media (column 16, lines 45-49).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 2, 4, 5, and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Shaughnessy U.S. Patent 6,484,151 in view of Weiss et al. (hereinafter Weiss) U.S. Patent 5,866,889.

Claims 2 and 10, O'Shaughnessy teaches transferring of funds involves a bank transfer (column 12, lines 45-59). O'Shaughnessy fails to specify that the bank transfer is for a checking account. Official Notice is taken that bank transfers of funds from checking accounts are old and well known in the art. Therefore it would have been obvious at the time of the Applicant's invention to modify the teachings of O'Shaughnessy to include bank transfers from checking accounts because it is an efficient means to provide money from one party to another for payment of a good or service.

Claims 4 and 5, O'Shaughnessy teaches possessing authority to contract on behalf of a named individual (column 9, lines 18-31 and column 12, lines 12-20). O'Shaughnessy fails to specify that the agreement specifies the named individual. Weiss teaches steps to open an account specific to a named individual (column 14, lines 18-29 and Figure 4A and column 19, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of O'Shaughnessy and include the teachings of Weiss because the terms and conditions taught by O'Shaughnessy would not be effective or detailed without specifying the named individual and general common contact information of the named individual.

Claim 7, O'Shaughnessy teaches a trading system that comprises: at least one computer coupled to a network and configured to maintain a brokerage account database (column 4, lines 14-23); at least one computer coupled to the network and configured to use a plurality of web page templates to service web page requests received over the network (column 4, lines 14-23

Art Unit: 3624

and Figures 8), wherein the web page templates are configured to implement a real-time account opening process that establishes new brokerage accounts in a brokerage database (column 12, lines 12-20). O'Shaughnessy fails to specify obtaining contact information, creating a new record in the brokerage account database reflecting the contact information and updating said new record in accordance with said brokerage account application information. Weiss teaches steps to open an account that consist of gathering contact information or updating contact information in accordance with a brokerage account (column 14, lines 18-29 and Figure 4A and column 19, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of O'Shaughnessy and include the teachings of Weiss because the terms and conditions taught by O'Shaughnessy would not be effective or detailed without specifying and updating contact information of the named individual for whom the account belongs.

Claim 8, after securing said online agreement, obtaining funding information relating to a financial account; automatically initiating a transfer of funds from said financial account; and updating the new record with a buying power greater than zero (column 9, lines 43-52 and column 12, lines 45-59).

Claim 9, displaying a confirmation page indicating successful completion of the real-time account opening process (column 12, lines 56-59).

Claim 11, the financial account is a credit card account (column 9, lines 32-52).

Claim 12, securing is accomplished by an electronic signature (column 12, lines 12-20 and column 9, lines 18-37).

Claim 14, the web page templates are further configured to implement a trading order placement process (column 4, lines 14-23 and column 10, lines 39-63).

Claim 13, O'Shaughnessy teaches electronically signing an account agreement (column 12, lines 12-20 and column 9, lines 18-37). O'Shaughnessy fails to teach the electronic signature consists of selection by an individual of an option labeled "I Agree" and displayed in proximity to said brokerage account contract and in proximity to name of said individual. O'Shaughnessy teaches that "a new client is generated so that the broker will agree when it clicks through to pay pre-specified amount of money to PMP for the placement of a new client." O'Shaughnessy clearly teaches a clicking step with an agreement result. Therefore there is sufficient evidence fore one of ordinary skill in the art to modify that into a button labeled "I Agree."

11. Claim 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Shaughnessy U.S. Patent 6,484,151 in view of Musmanno et al. (hereinafter Musmanno) U.S. patent 5,940,809.

Claim 18, O'Shaughnessy fails to specify at least one computer coupled to the network and configured to execute a fraud checking process on new brokerage accounts in the brokerage

Art Unit: 3624

account database. Official Notice is taken that checking for fraud is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of O'Shaughnessy to include checking for fraud in the accounts because it provides an efficient security measure for all parties involved so that transactions are not tampered with and accord to the intentions of those involved with the transaction.

Applicant has asked the Examiner to provide support for the Official Notice. Musmanno teaches a securities brokerage-asset management system that performs fraud checking on brokerage accounts (column 8, lines 50-67). Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of O'Shaughnessy and include the teachings of Musmanno to provide for opening secure accounts.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
03 August 2005



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